

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN FRUTOS, JR.,

Plaintiff,

No. CIV S-04-2361 ALA P

vs.

CALIFORNIA DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

ORDER TO SHOW CAUSE

Plaintiff is a state prisoner proceeding *pro se* with a civil rights action under 42 U.S.C. § 1983. On November 1, 2007, Defendants' motion to dismiss was granted in part and denied in part. Defendants' motion to dismiss the part of Plaintiff's complaint seeking compensatory and punitive damages was granted. Defendants' motion to dismiss the part of Plaintiff's complaint seeking declaratory or injunctive relief was denied. On November 11, 2007, Defendants Castro, Hubbard, Porter, Rianda, Runnels, Stone, Terhune, and Wagner filed an Answer demanding a jury trial pursuant to Rule 38 of the Federal Rules of Civil Procedure.

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1 Defendants are hereby ORDERED to show cause within fourteen days why this matter  
2 should be tried before a jury since the only remaining claims are for injunctive relief and  
3 declaratory relief.

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5 DATED: November 13, 2007

6 /s/ Arthur L. Alarcón  
7 UNITED STATES CIRCUIT JUDGE  
8 Sitting by Designation  
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